

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: \_\_\_\_\_

Meeting Type: Regular

Meeting Date: May 22, 2014

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

Eminent Domain proceedings.

Exact Wording for the Agenda:

Resolution authorizing eminent domain proceedings for fee simple title to property along Highway 20.

**Note: If amendment, Please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost: \_\_\_\_\_ Budgeted Item: No

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: May 20, 2014

RESOLUTION NO. 2014-\_\_\_\_\_

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, a municipal corporation within the State of Alabama, as follows:

1. That in the judgment and opinion of the City Council of the City of Huntsville, it is in the public interest and necessary and expedient that the City of Huntsville acquire and/or condemn fee simple title in and to the following described parcel of land, viz:

See Exhibit "A" attached hereto and incorporated herein, a copy of which is being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

A corresponding tax map for the parcel is attached hereto as Exhibit "B."

2. That the obtainment of the foregoing property is necessary for the construction and maintenance of pump stations for both water and sanitary sewer as well as associated piping and related facilities, which will be in the best interests of the citizens of the City of Huntsville in that the same will contribute to the health and general welfare of the citizens of Huntsville.

3. That the Mayor of the City of Huntsville, be, and he is hereby authorized, empowered and directed to cause the above described property to be appraised in accordance with Section 18-1A-21 of the Code of Alabama, as amended, to determine the amount that would constitute just compensation for its taking.

4. That the Mayor of the City of Huntsville be, and he is further authorized, empowered and directed to attempt to acquire the above described property for the City for the aforesaid purposes at a fair and reasonable price in accordance with Section 18-1A-22 of the Code of Alabama, as amended.

5. Any prior acts taken by the administration toward the acquisition of the said property pursuant to the eminent domain code are hereby ratified.

6. That in case of failure to acquire said properties for the purposes aforesaid by purchase from the owner or owners thereof, the Mayor is hereby authorized to engage Samuel H. Givhan, Attorney at Law, and the law firm of Wilmer & Lee, P.A., to file and conduct condemnation proceedings on behalf of the City of Huntsville for the acquisition of the properties by the exercise of the right of eminent domain.

ADOPTED this the 22nd day of May, 2014.

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President of the City Council  
City of Huntsville, Alabama

APPROVED this the 22nd day of May, 2014.

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Tommy Battle  
Mayor of the City of Huntsville,  
Alabama

All that part of the Southeast Quarter of Section 12, Township 4 South, Range 2 West, Madison County, Alabama, particularly described as beginning at a point on the North margin of the Huntsville-Decatur Highway (Alabama Highway 20), said point being located North 2°02' East 2,579.11 feet and North 64°35'50" East 10,864.9 feet from the Southwest corner of Section 14, Township 4 South, Range 2 West; thence from the place of beginning North 25°24'10" West 323.57 feet to a point on the South margin of the Southern Railway right-of-way; thence North 72°16'18" East along the South margin of said Southern Railway right-of-way 716.39 feet; thence South 25°24'10" East 226.86 feet to a point on the North margin of the Huntsville-Decatur Highway (Alabama Highway 20); thence South 64°35'50" West along the North margin of said Huntsville-Decatur Highway (Alabama Highway 20) 710.0 feet to the place of beginning. Subject, however, to a power line easement 160.0 feet in width heretofore conveyed to Tennessee Valley and running across the North boundary of said tract of land.

All that part of the Southeast Quarter of Section 12, Township 4 South, Range 2 West, Madison County, Alabama, particularly described as beginning at a point on the North margin of the right-of-way of the Huntsville-Decatur Highway (Alabama Highway 20), said point being located North 2°02' East 2,579.11 feet and North 64°35'50" East 11,574.9 feet from the Southwest corner of Section 14, Township 4 South, Range 2 West; thence from the place of beginning North 25°24'10" West 226.86 feet to a point on the South margin of the Southern Railway right-of-way; thence North 72°16'18" East along the South margin of said Southern Railway right-of-way 302.76 feet; thence South 25°24'10" East 186.38 feet to a point on the North margin of the Huntsville-Decatur Highway (Alabama Highway 20); thence South 64°35'50" West along the North margin of said Huntsville-Decatur Highway (Alabama Highway 20) 300.0 feet to the place of beginning. Subject, however, to a power line easement 160.0 feet in width heretofore conveyed to Tennessee Valley and running across the North boundary of said tract of land.

# Fran Hamilton Tax Assessor Madison County

Printed Tue May 20 2014

Maps are for Tax Purposes Only, Not to be Used for Conveyance.

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